

## § 29.3103

Elements	De- grees					
10 Injury tolerance.	( <sup>2</sup> )	.....	( <sup>2</sup> )	.....	( <sup>2</sup> )	.....

<sup>1</sup> Expressed in inches.

<sup>2</sup> Expressed in percentage.

### RULES

#### § 29.3103 Rule.

The application of these official standard grades shall be in accordance with the following rules.

#### § 29.3104 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

#### § 29.3105 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

#### § 29.3106 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than six inches from the top of the package and one not more than six inches from the bottom. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

#### § 29.3107 Rule 4.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the

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grade previously assigned, it shall not thereafter be represented as such grade.

#### § 29.3108 Rule 5.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

#### § 29.3109 Rule 6.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

#### § 29.3110 Rule 7.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

#### § 29.3111 Rule 8.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

#### § 29.3112 Rule 9.

Any special factor symbol, approved by the Director of the Tobacco Division of the Agricultural Marketing Service, may be used to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

[24 FR 8771, Oct. 29, 1959, as amended at 49 FR 16758, Apr. 20, 1984]

#### § 29.3113 Rule 10.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards Branch and approved by the Director.

#### § 29.3114 Rule 11.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.